

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

May 28, 2008

6:30 – Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

May 28 2008

6:30 P.M.
CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case). (Dr. Sonny Rubin)

RECESS:

AGENDA

May 28 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Marsh

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS - None

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

AGENDA

May 28 2008

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of May 13, 2008.
(Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 Final Tract Map No. 17170 and Tract Map Agreement for 7111 Trask Avenue. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Accept the subject Final Tract Map No. 17170 and authorize the City Clerk to sign and seal the map; and
- 2) Approve an agreement with Westminster Housing Group, LLC for Tract No. 17140 and authorize the Mayor to execute the agreement on behalf of the City.

- 1.3 West Orange County Water Board's Operational Budget for FY 2008/09.
(Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the West Orange County Water Board's FY 2008/09 budget.

AGENDA

May 28 2008

1. CONSENT CALENDAR (Continued)

1.4 Maintenance Service for Automatic Transmission Repairs. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council reject all bids submitted, and direct the City Clerk to re-advertise for bids.

1.5 Maintenance Service for Repair of Vehicle Body Damage. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council reject all bids submitted, and direct the City Clerk to re-advertise for bids.

1.6 Second Option Year Renewal for Professional Auditing Services for FY 2008-09. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Second Option Year Renewal of the contract with Diehl, Evans & Company, LLP in the amount of \$42,935 for professional auditing services for the fiscal year 2008-09, and authorize the City Manager to execute the Agreement on behalf of the City.

ADMINISTRATIVE ITEMS

1.7 Contractual Joint Venture Agreement with the County of Orange to Provide Services for the Family Resource Center. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the Contractual Joint Venture Agreement with the County of Orange to provide services at the Family Resource Center in the amount of \$258,500.00 for fiscal year 2008-09 and authorize the City Manager to execute the agreement on behalf of the City;
- 2) Authorize a purchase order for counseling and case management services to Western Youth Services in the amount of \$62,569; and
- 3) Authorize a purchase order for domestic violence, intervention/education and counseling services to Interval House in the amount of \$17,595.

AGENDA

May 28 2008

1. CONSENT CALENDAR (Continued)

WARRANT REGISTER

1.8 (City Council/Redevelopment Agency) Warrant Register dated May 7 through 20, 2008. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

1.9 Minutes of the Planning Commission meeting held April 16, 2008. (Don Anderson)

RECOMMENDATION: Receive and file.

1.10 Community Development Monthly Report – April 2008. (Don Anderson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

* * * * *

2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER. COMPLETE THE ATTACHED GREEN FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None

AGENDA

May 28 2008

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

4.1 REVIEW OF THE JUNE 27, 2007 ISSUED CONDITIONAL USE PERMIT (CASE NO. 2007-14), WHICH ALLOWED THE SALE AND CONSUMPTION OF BEER AND WINE IN CONJUNCTION WITH A NEW RESTAURANT (THE CITRYST RESTAURANT), LOCATED AT 15440 BROOKHURST STREET, WITHIN THE PALM COURT PLAZA RETAIL CENTER (ASSESSOR'S PARCEL NUMBER 108-553-25); PROPERTY OWNER: PALM COURT PLAZA, LLC; APPLICANT: MY-DUNG NGUYEN. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

AGENDA

May 28 2008

4. PUBLIC HEARINGS (Continued)

4.1 REVIEW OF THE JUNE 27, 2007 ISSUED CONDITIONAL USE PERMIT (CASE NO. 2007-14) (CONTINUED)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4150 entitled "A Resolution of the Mayor and City Council of the City of Westminster affirming the conditional use permit granted on June 27, 2007 which allowed the sale and consumption of beer and wine within a restaurant (Citryst Restaurant), located at 15440 Brookhurst Street (Assessor's Parcel Number: 108-553-25) (Case No. 2007-14)."

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports –

5.3 Resolution No. 4151 - A Resolution of the Mayor and City Council of the City of Westminster Opposing the Nation of Vietnam Vietnamese Communist Party (VCP) Politburo Executive Order 36 (Mayor Pro Tem Quach/Council Member Marsh)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Textual Amendment to the Redevelopment Plan for the Westminster Infrastructure Revitalization Plan (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the schedule of actions (as outlined in the staff report) and authorize staff to proceed with the necessary action and steps required for a textual amendment to the Redevelopment Plan for the Westminster Infrastructure Revitalization Project (Amendment Area No. 5) that would permit long term debt to finance the Westminster Police Facility.

6.2 Increase Vehicle Fuel Purchase Order for FY 2007/08 and Transfer of Funds to Cover Higher Fuel Costs for FY 2007/08 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an increase of \$50,000.00 to Purchase Order No. 4337 to Petro Diamond, Inc. for Gasoline and Diesel Fuel;
- 2) Transfer \$19,095.00 from the "Equipment Replacement Fund 700", Budget Contingency Reserve to Fleet Maintenance Account; and
- 3) Transfer \$30,905.00 from the "Equipment Replacement Fund 700", Emergency Reserve to Fleet Maintenance Account.

AGENDA

May 28 2008

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.3 (City/Agency) Allocation of Redevelopment Agency Low-and Moderate-Income Housing funds on behalf of two non-profits, Abrazar, Inc. and American Family Housing, Inc. for acquisition costs of six affordable housing units and approval of four Agreements. (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Approve an appropriation of \$901,863 from the Redevelopment Housing Rehabilitation Loans CIP budget to the Housing Assistance CIP budget;
- 2) Allocate Redevelopment Low-and Moderate Income Housing funds in the total amount of \$1,307,951 on behalf of Abrazar, Inc (\$1,177,375) for the acquisition of four housing units located at 13871 Manor Drive; 13291 Cherry Street; 13502 Illinois Street and 6942 Humboldt Avenue under the Lease-Purchase Program; and on behalf of American Family Housing, Inc. (\$130,576) for the acquisition of two units located at 6861 Homer Street #56 and 6972 Homer Street #68 for affordable Rental Housing purposes;
- 3) Approve the Affordable Housing Assistance Agreements with Abrazar, Inc to implement the acquisition of the four housing units
- 4) Approve the Affordable Housing Assistance Agreement with American Family Housing Inc. to implement the acquisition of two housing units;
- 5) Authorize the Executive Director to execute all appropriate documents to implement acquisition and recordation.

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the CHDO HOME Program Participation Agreement with Abrazar, Inc. to implement the acquisition of four housing units located at 13871 Manor Drive; 13291 Cherry Street; 13502 Illinois Street and 6942 Humboldt Avenue, under the Lease-Purchase Program utilizing previously allocated HOME funds;
- 2) Approve the CHDO HOME Program Participation Agreement with American Family Housing, Inc. to implement the acquisition of two housing units located at 6861 Homer Street , #56 and 6972 Homer Street, #68 for use as affordable Rental Housing utilizing previously allocated HOME funds; and
- 3) Authorize the City Manager to execute all appropriate documents to implement acquisition and recordation.

AGENDA

May 28 2008

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.4 Update from Code Enforcement Division on Enforcement Activity at 5201 Cornell Avenue. (Vicki Morgan)

RECOMMENDATION: Receive and file.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS

8.1 Ordinance No. 2430 – City Initiated Code Amendment Relating to Graffiti. (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2430 entitled, “An Ordinance of the Mayor and City Council of the City of Westminster Amending Sections 9.38.010 through 9.38.070 and Section 9.38.090 of Title 9 (Public Peace, Morals, and Welfare) of the Westminster Municipal Code, Relating to “Graffiti,” and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS – None.

10. COUNCIL/AGENCY ADJOURNMENT: To Tuesday, June 10, 2008 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, CA for the purpose of a progress report and review of the Schematic Design for the New City/Chamber of Commerce Building located at the corner of Beach Boulevard and Hazard Avenue.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary